

## Remarks

Drawings

A proposed Figure 2 is submitted for the Draftsperson's approval in which shading and handwritten text has been corrected.

Claim Rejections – 35 USC 112(2)

Claims 1-13 and 15 stand rejected as narrative and indefinite. Claims 7-13 and 15 stand rejected as not setting forth any steps involved in the method.

The clarity objection regarding claims 7 - 13 are overcome by correcting „use“ in claim 7 to „user“.

Regarding the clarity objection against claim 15, we respectfully disagree with the examiner's objection, as claim 15 does define method steps (see the feature: „Use of a system...for carrying out a method as claimed in claim 6.“). Accordingly, the subject-matter of claim 15 comprises all method steps defined in claim 6.

Claim Rejections 35 USC 102(e)

Claims 1-6 and 10-13 stand rejected as being anticipated by Camaisa et al (Camaisa).

Valid rejection under 35 USC 102 requires that each feature of a rejected claim be disclosed in a single reference. “For anticipation under 35 USC 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present.” MPEP 706.02(a)

Camaisa does not disclose each feature of the rejected claims.

Claim Rejections – 35 USC 103(a)

Claims 7 and 15 stand rejected as being unpatentable over Camaisa in view of

Cupps et al (Cupps).

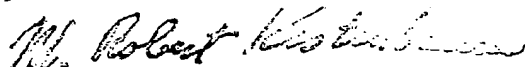
In amended claims 1 and 7, the features of generating an e-mail and further generating a fax from this e-mail and transmitting the generated fax have been incorporated from the description. (Claims 2 and 8, defining fax transmission of the order are cancelled accordingly.) These features of amended claims 1 and 7 are not known from Camaisa or Cupps.

In particular, these features cannot be rendered obvious from a combination of Camaisa and Cupps. Although both documents disclose transmission of the order via fax or email, in each case, it is merely considered to use fax or e-mail. Consequently, the combination of both documents may at the most result in an ordering system, where orders are transmitted either by fax or e-mail alternatively. However, the step of generating an e-mail as an intermediate step as defined in the claims cannot be derived from a combination of Camaisa and Cupps.

Moreover, the present invention is advantageous with respect to the systems as disclosed in Camaisa or Cupps in that the present invention allows for participation restaurants having different telecommunications equipment. If a restaurant has a computer with Internet access, the order may be placed directly by e-mail. If, on the other hand, the restaurant does not have Internet access, or if the restaurant staff is not guided to watch incoming e-mails (typically small business type restaurants like snack bars), the e-mail then is converted to a facsimile order which is transmitted to the restaurant. Due to these features, the online ordering system and method as defined in the claims is much more flexible compared to known systems, allowing integrating very different types of restaurants.

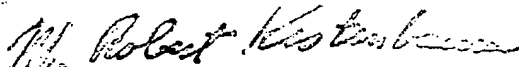
A one-month extension of time in which to respond to the outstanding Office Action is hereby requested. Credit Card Payment Form PTO-2038 is enclosed to cover the prescribed Small Entity one-month extension fee of \$55.

Respectfully submitted,



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I hereby certify this correspondence is being submitted to Commissioner for Patents, Washington, D.C. 20231 by facsimile transmission on January 21, 2005, fax number (703) 872-9306.



M. Robert Kestenbaum

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

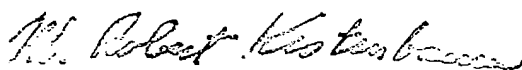
Re: US Patent Application 09/869,550  
Filed January 8, 2002  
Title Online Ordering System, in Particular for Food Outlets, and Method for  
Operating an Online Ordering System of this Type  
Applicant Trebesius  
Art Unit 3625  
Confirmation No. 4686  
Examiner Marissa Thein  
Phone 703 305 5246  
Fax 703 872 9306  
Attorney Docket (H) 01ICP0235USP

Mail Stop Response – Art Unit 3625  
Attention: Draftsperson of the USPTO  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Madame or Sir:

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shading and handwritten text has been corrected.

Respectfully submitted,



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